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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/539,109               | 06/15/2005  | Koji Yoshino         | 38340               | 9045             |
| 52054                    | 7590        | 07/21/2008           | EXAMINER            |                  |
| PEARNE & GORDON LLP      |             |                      | VAN, QUANG T        |                  |
| 1801 EAST 9TH STREET     |             |                      |                     |                  |
| SUITE 1200               |             |                      | ART UNIT            | PAPER NUMBER     |
| CLEVELAND, OH 44114-3108 |             |                      | 3742                |                  |
|                          |             |                      |                     |                  |
|                          |             |                      | NOTIFICATION DATE   | DELIVERY MODE    |
|                          |             |                      | 07/21/2008          | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@pearne.com  
dchervenak@pearne.com

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/539,109             | YOSHINO ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Quang T. Van           | 3742                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 May 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,8,9,11 and 12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,8,9,11 and 12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 May 2008 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

***Drawings***

1. The drawings were received on 5/9/2008. These drawings are accepted.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

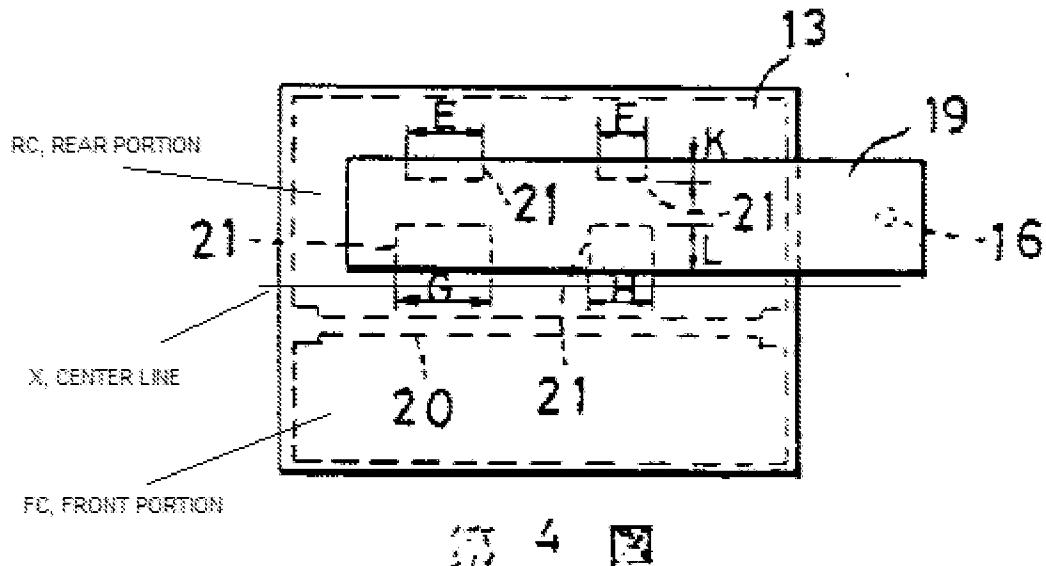
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, 8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (JP54048348A) in view of JP 63174296A, both cited by applicant and DeRemer (US 4,307,285) and Miller (US 4,463,239). Yoshimura discloses a high frequency heating apparatus comprising a magnetron (1, figure 3) to a heating chamber (3) via a waveguide (8), wherein an electricity feeding port (6) for radiating the microwave is provided at a ceiling wall (7) of the heating chamber (3), and the wave guide (8) is formed in an L-like shape including a side waveguide (8) extended upwardly along an outer side face (7) of the heating chamber (3) and an upper waveguide extended from an upper end of the side wave guide to the electricity feeding port (6) along an outer face of the ceiling wall (7). However, Yoshimura does not disclose a plurality of pieces of the electric feeding ports feeding ports, wherein the plurality of electricity feeding ports are formed by at least two or more kinds of electricity feeding ports having different shapes and opening areas, wherein when the plurality of electricity feeding ports are aligned in a front and rear direction of the ceiling wall, the opening area of the electricity feeding port at a position proximate to a center of the

ceiling wall is set to be larger than the opening area of the electricity feeding port at a position remote from the center of the ceiling wall, wherein a heating member in a linear shape for heating by a heater is mounted in a recess portion of the ceiling wall of the heating chamber and the electricity feeding ports are mounted to the ceiling wall, both the heating member and the electricity feeding ports being mounted at a position away from a line equally dividing the ceiling wall into two in a front and rear direction; and a width of the waveguide is greater than  $\lambda_0/2$  and less than  $\lambda_0$  and the height of the waveguide is less than  $\lambda_0/2$ , wherein is  $\lambda_0$  a wavelength of the microwave in a free space. JP 63174296A discloses a plurality of pieces of the electric feeding ports (17, 21, Figures 1-5), wherein the plurality of electricity feeding ports (17, 21) are formed by at least two or more kinds of electricity feeding ports having different shapes and opening areas (Figure 1-5), wherein when the plurality of electricity feeding ports (17, 21) are aligned in a front and rear direction of the ceiling wall, the opening area (G) of the electricity feeding port (21, Figure 4) at a position proximate to a center of the ceiling wall is set to be larger than the opening area (E, Figure 4) of the electricity feeding port at a position remote from the center of the ceiling wall (Figure 4), wherein a heating member in a linear shape (20, Figure 4) for heating by a heater is mounted to the ceiling wall of the heating chamber (12) and the electricity feeding ports (21, Figure 4) are mounted to the ceiling wall, both the heating member (20, Figure 4) and the electricity feeding ports (21, Figure 4) being mounted at a position away from a line (X, Figure below) equally dividing the ceiling wall into two in a front (FC, Figure below) and rear (RC, Figure below) direction. However, JP 63174296A does not disclose a heater is

mounted in a recess portion of the ceiling wall of the heating chamber. DeRemer discloses a heater (81-82) is mounted in a recess portion (Figure 3) of the ceiling wall (80) of the heating chamber (15); and Miller discloses a width of the waveguide is greater than  $\lambda_0/2$  and less than  $\lambda_0$  and the height of the waveguide is less than  $\lambda_0/2$ , wherein is  $\lambda_0$  a wavelength of the microwave in a free space (col. 4, lines 56-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yoshimura a plurality of pieces of the electric feeding ports feeding ports, wherein the plurality of electricity feeding ports are formed by at least two or more kinds of electricity feeding ports having different shapes and opening areas, wherein when the plurality of electricity feeding ports are aligned in a front and rear direction of the ceiling wall, the opening area of the electricity feeding port at a position proximate to a center of the ceiling wall is set to be larger than the opening area of the electricity feeding port at a position remote from the center of the ceiling wall, wherein a heating member in a linear shape for heating by a heater is mounted to the ceiling wall of the heating chamber and the electricity feeding ports are mounted to the ceiling wall, both the heating member and the electricity feeding ports being mounted at a position away from a line equally dividing the ceiling wall into two in a front and rear direction, as taught by JP 63174296A in order to distribute temperature uniformly throughout the heating chamber; and a heater is mounted in a recess portion of the ceiling wall of the heating chamber as taught by DeRemer in order to provide more space for the heating chamber; and a width of the waveguide is greater than  $\lambda_0/2$  and less than  $\lambda_0$  and the height of the waveguide is less than  $\lambda_0/2$ , wherein is  $\lambda_0$  a wavelength of the microwave

in a free space as taught by Miller in order to efficiently radiating the microwave from the electricity feeding port.



4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (JP54048348A) in view of JP 63174296A, both cited by applicant, and DeRemer (US 4,307,285) and Miller (US 4,463,239), and further in view of JP 62100982A, also cited by applicant. Yoshimura/ JP 63174296A/DeRemer/ Miller disclose substantially all features of the claimed invention except an antenna of the magnetron is arranged to be directed to a side of the heating chamber and to be opposed to the side wall and the side wall is formed with a bulged portion bulged to an inner side of the chamber. JP 62100982A discloses an antenna (9) of the magnetron (8) is arranged to be directed to a side of the heating chamber and to be opposed to the side wall and the side wall is formed with a bulged portion (7) bulged to an inner side of

the chamber (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yoshimura/ JP 63174296A/DeRemer/Miller an antenna of the magnetron is arranged to be directed to a side of the heating chamber and to be opposed to the side wall and the side wall is formed with a bulged portion bulged to an inner side of the chamber as taught by JP 62100982A in order to prevent interference with antenna.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (JP54048348A) in view of JP 63174296A, both cited by applicant, and DeRemer (US 4,307,285) and Miller (US 4,463,239), and further in view of Noda et al (JP05074568A) also cited by applicant. Yoshimura/ JP 63174296A/DeRemer/Miller disclose substantially all features of the claimed invention except the heating member is arranged to be inclined to the line equally dividing the ceiling wall into two in the front and rear direction. Noda discloses a heating member (3) is arranged to be inclined to the line equally dividing the ceiling wall into two in the front and rear direction (figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yoshimura/ JP 63174296A/DeRemer/Miller a heating member is arranged to be inclined to the line equally dividing the ceiling wall into two in the front and rear direction as taught by Noda in order to disperse heat evenly in the microwave oven.

***Response to Amendment***

6. Applicant's arguments with respect to claims 1-3, 8-9, and 11-12 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 5:00Pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang T Van/  
Primary Examiner, Art Unit 3742  
July 11, 2008

Quang T Van  
Primary Examiner  
Art Unit 3742